

Serial No. 10/500,746

Atty. Doc. No. 2002P06190WOUS

REMARKS

Claims 11- 22 remain in the application. Claims 11, 15, 16, 17, 18 and 21 were objected to and/or rejected under Section 112 based on numerous informalities and inconsistencies of an apparent nature which rendered the claims indefinite or otherwise objectionable. Applicants thank the Examiner for identifying the need to improve language in the claims. The foregoing amendments fully address all of the identified concerns. In addition, to lend greater clarity to the claimed invention, claims 12 – 14 have also been amended to more fully satisfy the requirements of Section 112.

Applicants also thank the Examiner for identifying allowable subject matter in claims 17 and 18. However, in view of the foregoing amendments and the following argument, it is submitted that the art rejections should be removed. Allowance of all pending claims is respectfully requested.

Claims 11-16 and 19-21 were rejected under Section 103 over U.S. No. 6,606,176 referred to herein as Essiambre. Applicants appreciate the Examiner's effort to identify relevant prior art even while the scope of the claims appeared uncertain to the Examiner. Now, in view of amendments which more clearly define that which applicants regard as the invention, it is submitted that the distinctions over the prior art are more apparent. Specifically, note that the combination of claim 11 includes the following three features:

(i) multiple dispersion compensation units which, ***"in transmitting first optical signals at a first data transmission rate"*** enable the first and second lengths to be ***"under compensated by approximately the same under-compensation amount [Emphasis Added]"***

(ii) ***"a second optical signal [being transmitted] at a second data transmission rate greater than the first data transmission rate"***

and

(iii) ***"... a pre-compensation unit for pre-compensating the second signal ... arranged upstream of the first length of optical fiber, the pre-compensation unit providing a pre-compensation amount between 0 ps/nm and -2000 ps/nm [Emphasis Added]."***

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This combination of elements is not present in the prior art. To illustrate this deficiency it is first noted that the basis for the rejection relies on the disclosure of figure 1 as well as col. 2 (lines 61-67) and col. 5 (lines 20-45) of Essiambre. However, these citations do not, as suggested by the Office Action, identify requisite features corresponding to "a precompensation unit arranged upstream of the first length of optical fibre for pre-compensating the second optical signal ... [see page 4 of the Office Action]. As now explained, the cited prior art disclosure does not suggest applicants' claimed combination of an optical transmission system. It is only the applicants who teach the following:

undercompensation of first and second lengths "by approximately the same under-compensation amount" when "transmitting first optical signals at a first data transmission rate"

and

pre-compensating "a second optical signal [being transmitted] at a second data transmission rate greater than the first data transmission rate"

with

"the pre-compensation unit providing a pre-compensation amount between 0 ps/nm and -2000 ps/nma."

The foregoing combination is simply not taught or suggested by the prior art. For these reasons it is urged that all of the claims are patentable and allowance is requested.

Conclusion

The applicants have amended the claims to more clearly identify the subject matter which is their invention. Further, in view of these amendments and the distinctions noted above, it is clear that the claimed combinations are not found in the prior art and there is no basis for rejecting the claims under Section 103. Specifically, in order to reject the claims under Section 103 it is necessary to identify each feature of the claimed invention and this cannot be done with the Essiambre reference. Any other effort to form the claimed combination would be nothing more than a piecemeal reconstruction of the prior art in view of applicants' teachings.

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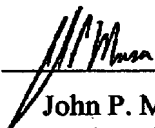
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For all of these reasons the application is in condition for allowance. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 8/3/07

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